UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,241	11/20/2006	Peter Virica	P/25-313 V1449	6154

2352 7590 03/19/2009

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER	
YOUNKINS, KAREN L	
ART UNIT	PAPER NUMBER
3751	
MAIL DATE	DELIVERY MODE
03/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,241	VIRICA ET AL.	
	Examiner	Art Unit	
	KAREN YOUNKINS	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/22/2006, 6/6/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 3/24/2004. It is noted, however, that applicant has not filed a certified copy of the 0406616.3 application as required by 35 U.S.C. 119(b).

Specification

1. The disclosure is objected to because of the following informalities: On page 5 the reference character 11 is used to designate both the hanger and the leg portion.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12, 18-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,504,384 to Fraser et al. (Fraser) in view of U.S. Patent Application Publication No. 2005/0014669 to Bariou et al. (Bariou).

4. In reference to claim 1, Fraser discloses a dispenser for releasing a treatment composition into a toilet comprising a first block of the treatment composition (2); a second block of material composition (5), and a housing (1) with apertures (4) for admitting water into the housing and allowing the water to drain out of the housing. The

dispenser has an interior space (interior of housing 1) to house the block of the treatment composition (see figure 1) for contact with the water. The housing holds the fragrance block such that an opposed major surface (bottom surface of 5 in figure 1) of the second block (5) is in fluid communication with the interior space of the housing to allow it to emit material through the housing apertures (4).

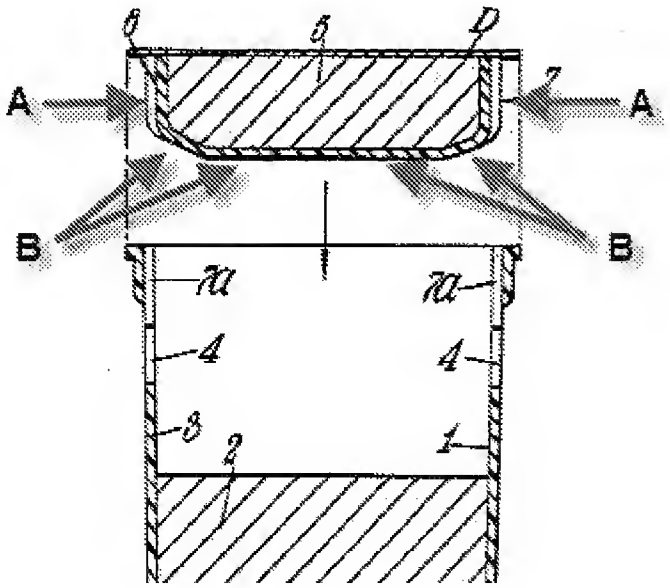
Fraser fails to show the second block of material impregnated with the fragrance, instead Fraser discloses the second block of material being a disinfectant. Fraser also fails to show the dispenser releasing fragrance into the surrounding room and the fragrance block being positioned in an opening in a wall of the housing allowing one major surface of the fragrance block to be exposed to the exterior of the housing.

Bariou shows a dispenser (1) for releasing a treatment composition (placed behind cover 15) into a toilet, and for releasing a fragrance into the surrounding room (via 13). Further, Bariou shows the fragrance block (13) being positioned in an opening in a wall of the housing, and allows one major surface of the fragrance block to be exposed to the exterior of the housing (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the second block of material (5) of Fraser with a block containing fragrance dispersed therein. The use of a block comprising a fragrance component is well known in the art of cleaning to provide a pleasing scent to the toilet system. It would have been further obvious to have modified the dispenser of Fraser by positioning the block of fragrance material in an opening in a wall of the housing directly above the second block, thus allowing a major surface of the fragrance

block to be exposed to the exterior of the housing and releasing fragrance into the surrounding room. With an advantageous chemical composition for the fragranced second block of material, fragrance is now emitted into the room as well as released into the toilet through the housing apertures.

5. With reference to claims 19 and 20, the claimed method of manufacture and assembly would have been obvious in view of Fraser. A method of manufacture of the dispenser as claimed by producing the housing, molding the fragrance material into the wall opening, and loading the housing with a treatment block would be an obvious method of manufacturing the device of Frasier as discussed in pp-4 above.



6. With reference to claims 2-4, as previously discussed in pp-4 above, further Fraser discloses the housing (1) being a hollow shell (see figure 1) and the wall opening (above fragrance block 5) has a flange (see examiner annotated drawing above, flange A/B) extending inwardly of the shell. The flange supports an edge of the fragrance

block between its opposed major surfaces (via A), has a projection extending into the opening for locating the fragrance block (A), and projections extending inwardly of the housing beyond the inner major surface of the fragrance block (B), for spacing it apart from the treatment composition block.

7. With reference to claims 5 and 6, as previously discussed in pp-4 and pp-6 above, further Fraser discloses the wall opening is in a side of the housing which is upright in use (wall opening is above fragrance block 5 which is upright in use), and the apertures (4) for admitting water and allowing it to drain are separated from the wall opening (see figure 1) so that the fragrance block is not in the direct flow path of water between those apertures.

8. With reference to claims 7 and 8, as previously discussed in pp-4 above, further Fraser discloses a hanger (S) joined to the housing for removably hanging it from the rim of a toilet cistern. This hanger (S) is also capable of removably hanging the dispenser from the rim of a toilet bowl as claimed. The dispenser provides fragrance and treatment to flush water in a similar manner whether it is hung from the rim of a cistern or toilet bowl. Further, the hanger (S) is joined to the housing at a wall which supports the fragrance block, see Figure 2.

9. With reference to claim 9, as previously discussed in pp-4 above, further various chemical compositions and concentrations of the treatment block would make it advantageous to adjust the size of the treatment block so that an appropriate amount of treatment is metered out of the dispenser per flush. In those instances where it would have been advantageous to provide a smaller treatment block, the block must be

provided with means to anchor the block within the housing so it may properly dispense treatment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included internal plinth formations for supporting a base of the treatment block in the dispenser of Fraser to anchor the treatment block within the housing. For example, if the treatment block were thinner with reference to figure 1, the treatment block could be anchored to the left of the housing (1) by internal plinth formations formed on the opposing side of the housing. Water is allowed to flow 'underneath' the base of the treatment block supported by the internal plinth formations.

10. In reference to claim 10, as previously discussed in pp-4 above, further Fraser discloses the fragrance block having an 'irregular' shape, see figure 1. It would have been further obvious to have made the wall opening in an irregular shape, as taught by the 'irregular' shaped wall openings of Bariou figures 1 and 5.

11. With reference to claims 11 and 12, as previously discussed in pp-4 above, further it would have been obvious to one having ordinary skill in the art to have provided the fragrance block formed with a decorative pattern on its outer major surface, or formed of materials of two or more contrasting colors to form a visible pattern on its outer major surface as aesthetically pleasing.

12. In reference to claim 18, as previously discussed in pp-4 above, further Fraser fails to show the fragrance block with a decorate pattern on its outer major surface. It would have been obvious to one having ordinary skill in the art to have comprised the treatment composition of one or more of a colorant, a surfactant and a bleach as these are well known in the art to be used for the treatment of toilet bowls. Further, Fraser

discloses the normal method of cleaning a toilet often includes a bleach, see column 1 lines 35-44.

13. In reference to claim 22, Fraser teaches a dispenser for releasing a treatment composition into the bowl of a toilet (as discussed in pp-8 above the dispenser is releasing treatment composition into the bowl), and a fragrance into the surrounding room (as discussed in pp-4 above the dispenser is releasing fragrance into the surrounding room) comprising a first block of the treatment composition a second block of material impregnated with the fragrance as discussed in pp-4 above. The dispenser also comprises a housing (1) configured externally to be hung, in use, (via S) from the rim of the toilet (as discussed in pp-8 above), apertures (4) for admitting water into the housing when the toilet is flushed and for allowing the water to drain out of the housing into the bowl (as the dispenser is hanging in the bowl), and having an interior space (interior of 1) to house the block of the treatment composition (see figure 1) for contact with the water. The housing holding the fragrance block such that the fragrance block plugs an opening in a wall of the housing and allows one major surface of the fragrance block to be exposed to the exterior of the housing. An opposed major surface of fragrance block to be in fluid communication with the interior space of the housing to allow it to emit fragrance through the housing apertures (as discussed in pp-4 above).

14. Claims 13-14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Bariou as applied to claims 1 and 19 above, and further in view of U.S. Patent No. 6,311,340 to Thompson.

15. In reference to claims 13 and 14, as previously discussed in pp-4 above, further Fraser fails to show which the housing being a plastic one-piece molding and formed from a hinged clam-shell one-piece plastics moulding, Instead, Fraser teaches a non-porous one-piece molding in which one portion of the molding consists of the wall plugged by the fragrance block.

Thompson shows a dispenser housing being a plastic one-piece molding and formed from a hinged (about hinge 6) clam-shell one-piece plastics molding results in reduced production cost. See column 1 lines 33-35 and figures 1 and 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the housing of Fraser by making it a plastic one piece molding and hinged clam-shell one-piece plastics molding to reduce production cost. Note, a wall of the molding will still be plugged by the fragrance block.

16. In reference to claim 21, as previously discussed in pp-5 above, further Fraser discloses the housing formed from a hinged clam-shell one-piece plastics molding having one portion of which consists of the wall plugged by the fragrance block (as discussed in pp-15 above). The clam-shell molding will be closed about its hinge around the fragrance block to secure it together during the normal manufacture of the Fraser dispenser.

17. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Bariou as applied to claim 1 above, and further in view of 4,891,388 to Graiver et al (Graiver).

18. In reference to claim 15, as previously discussed in pp-4 above, further Fraser fails to show the fragrance block comprising a gel, instead the fragrance block is depicted as a solid.

Graiver shows a solid fragrance block comprising a gel (see column 4 lines 20-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the fragrance block of Fraser to comprise a gel as taught by Graiver as an alternate construction of fragrance block well known in the art.

19. In reference to claim 15, the gel comprises a polymer matrix having the fragrance dispersed therein as taught by Graiver (see Graiver column 4 lines 20-31).

20. In reference to claim 16, in use the gel plugs the wall opening and shrinks as the fragrance evaporates (see column 6 lines 21-25) but continues to plug the wall opening (when active ingredient runs out the fragrance stops 'shrinking', and thus continues to plus the wall opening to the extent claimed, see column 6 lines 25-32).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication 2004/0094635 to Harris et al. disclose a gel perfume that shrinks but continues to plug an opening as disclosed. U.S. Patent Application Publication 2004/0221378 to Conway et al. disclose a dispensing unit for the rim of the toilet bowl in which there are two dispensing materials in fluid communication with the housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN YOUNKINS whose telephone number is (571)270-7417. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. Y./
Examiner, Art Unit 3751

/Gregory L. Huson/

Supervisory Patent Examiner, Art Unit 3751